

Message Text

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C O N F I D E N T I A L PANAMA 3021

E.O. 11652: GDS
TAGS: PEPR, PN
SUBJECT: DISCUSSIONS OF PANAMA TREATY RATIFICATION DOCUMENTS

REF: PANAMA 3007

1. THIS CABLE PROVIDES A SUMMARY OF THE FIRST ROUND OF DISCUSSIONS BETWEEN THE U.S. AND PANAMA ON THE DRAFT DOCUMENTS FOR THE JUNE 16 TREATY CEREMONIES. THE U.S. WAS REPRESENTED BY AMBASSADOR POPPER, GENERAL DOLVIN, MR. WYROUGH, MR. KOZAK AND COL. CARROLL. THE PANAMANIAN TEAM CONSISTED OF MINISTER ARISTIDES ROYO, CARLOS LOPEZ GUEVARA AND DIOGENES DE LA ROSA. THE MOOD THROUGHOUT WAS ONE OF FLEXIBILITY AND CONCILIATION.

2. IT WAS TENTATIVELY AGREED THAT THERE WOULD BE SIX DOCUMENTS--INSTRUMENTS OF RATIFICATION OF EACH TREATY BY BOTH PARTIES, A PROTOCOL AND A JOINT COMMUNIQUE.

3. THE MOST DIFFICULT PROBLEM TO ARISE IN THE COURSE OF THE DISCUSSION WAS THE PANAMANIAN EFFORT TO INCLUDE IN ITS INSTRUMENTS OF RATIFICATION LANGUAGE PROVIDING FOR MUTUAL CONSULTATION WHEN POSSIBLE. THE U.S. DELEGATION OFFERED, AD REFERENDUM TO WASHINGTON, TO INCLUDE MENTION
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OF CONSULTATION IN THE COMMUNIQUE, THOUGH WITHOUT SPECIFIC REFERENCE TO CIRCUMSTANCES UNDER WHICH CONSULTATION WOULD TAKE PLACE. THE PANAMANIAN TENTATIVELY ACCEPTED THIS BUT STATED THAT THEY MIGHT STILL WISH TO INCLUDE SOME STATEMENT ON CONSULTATION IN THEIR INSTRUMENT OF RATIFICATION.

4. THE PANAMANIAN DID NOT INSIST ON LENGTHY QUOTATIONS FROM THE OAS AND UN CHARTERS AND OTHER DOCUMENTS IN INTERNATIONAL LAW IN THEIR INSTRUMENTS. THEY SETTLED INSTEAD FOR MENTION BY NUMBER OF ARTICLES 1(2) AND 2(4) OF THE UN CHARTER AND ARTICLES 18 AND 20 OF THE OAS CHARTER IN A CONTEXT WHICH DOES NOT DIRECTLY LINK THOSE PROVISIONS WITH THE EXERCISE OF U.S. RIGHTS UNDER THE TREATIES. THEY DROPPED ALL REFERENCE TO THE MONTEVIDEO CONVENTION AND ARTICLE 103 OF THE UN CHARTER. THEY ALSO AGREED TO DELETE FROM THEIR INSTRUMENTS OF RATIFICATION THE PROPOSED REFERENCE TO "THE ACTIVE SOLIDARITY OF ALL THE PEOPLES OF THE WORLD" AS A GUARANTEE OF PANAMA'S INDEPENDENCE, TERRITORIAL INTEGRITY AND SELF-DETERMINATION.

5. AT THE INSISTENCE OF THE PANAMANIAN DELEGATION THE U.S. GROUP AGREED TO REQUEST PERMISSION TO AMEND THE OPERATIVE PARAGRAPH OF THE U.S. INSTRUMENTS OF RATIFICATION TO THE EFFECT THAT THE PRESIDENT ON BEHALF OF THE U.S. WOULD FAITHFULLY FULFILL THE OBLIGATIONS IN THE TREATY. THE PANAMANIAN INSTRUMENTS WOULD HAVE A SIMILAR PHRASE.

6. ONCE THE PANAMANIAN UNDERSTOOD THAT THE U.S. WAS REQUIRED TO INCLUDE THE NUNN RESERVATION IN THE PROTOCOL AS WELL AS THE INSTRUMENTS, THEY URGED THAT THE CHURCH RESERVATION BE SIMILARLY INCLUDED. THE U.S. EXPLAINED
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WHY THIS WAS UNDESIRABLE, AND THE PANAMANIAN AGREED TO SUBMIT NONINTERVENTION LANGUAGE SIMILAR TO THAT IN THEIR INSTRUMENTS OF RATIFICATION FOR POSSIBLE INCLUSION IN THE PROTOCOL.

7. AMBASSADOR POPPER MADE CLEAR THAT THE DRAFT JOINT STATEMENT UNDER DISCUSSION DID NOT YET HAVE FULL U.S. GOVERNMENT CLEARANCE. IT WAS APPROVED BY BOTH SIDES WITH RELATIVELY MINOR CHANGES. PERHAPS THE MOST IMPORTANT WAS THE PANAMANIAN'S EXCISION OF THE REFERENCE TO PANAMA'S GEOGRAPHIC POSITION AS A RESOURCE, WHEN THE U.S. DECLINED TO DESCRIBE IT AS A "NATURAL" RESOURCE.

8. THE DISCUSSION CONTINUE AT 4:00 P.M. TODAY. MINUTES OF THE MEETING WILL BE FORWARDED TO THE DEPARTMENT, ARA/PAN.
JORDEN

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